

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**SCHILLING FOODS, LLC**

**PLAINTIFF**

**VS.**

**CASE NO. 1:17-cv-00201-MPM-DAS**

**FIRST DATA CORPORATION;  
FIRST DATA MERCHANT SERVICES  
LLC; CITICORP PAYMENT SERVICES,  
INC.; and ABC CORPORATIONS 1-10**

**DEFENDANTS**

**MOTION OF FIRST DATA CORPORATION AND  
FIRST DATA MERCHANT SERVICES LLC TO DISMISS**

Defendants First Data Corporation and First Data Merchant Services LLC (together, “Defendants”) request that the Court dismiss all of Plaintiff’s claims against them with prejudice pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. In support, Defendants rely on the arguments and authorities set forth in the accompanying Memorandum and the materials attached hereto as Exhibit A.

Respectfully submitted,

FIRST DATA COROPRATION and  
FIRST DATA MERCHANT SERVICES, LLC

By:/s/ *M. Patrick McDowell*  
M. Patrick McDowell, One of Their Attorneys

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2017, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ M. Patrick McDowell  
M. Patrick McDowell